

Alan J. Kessel (Cal. Bar No.: 130707)
Suzanne M. Burke (Cal. Bar No.: 188597)
Brandon Q. Tran (Cal. Bar No.: 223435)
BUCHALTER NEMER
A Professional Corporation
18400 Von Karman Avenue, Suite 800
Irvine, California 92612-0514
Telephone: (949) 760-1121
Facsimile: (949) 720-0182
E-mail: btran@buchalter.com

Attorneys for Plaintiff DIRECTV, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DIRECTV, INC., a California corporation,

Plaintiff,

vs.

ERIC AGNEW, et al.,

Defendants.

Case No. CV-03-2199 MJJ

Hon. Martin J. Jenkins

**REQUEST FOR VOLUNTARY DISMISSAL
OF DEFENDANT ERIC AGNEW;
[PROPOSED] ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action with prejudice as to Defendant Eric Agnew ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter, wherein DIRECTV agreed, upon performance in full of the terms of the agreement, to voluntarily dismiss this action against Defendant with prejudice, each party to bear its/his own attorneys' fees and costs incurred in this action to date.

Although on September 6, 2005 this Court dismissed without prejudice DIRECTV's claims against Defendant, DIRECTV is obligated under the terms of the settlement agreement to, upon performance in full of the terms of the agreement, take all reasonable steps to obtain a dismissal of this action with prejudice against Defendant, each party to bear its/his own costs and attorneys' fees. DIRECTV files this Request in fulfillment of that obligation.

1 Defendant answered the Complaint on or about March 28, 2005. DIRECTV,
2 therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court
3 order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an
4 order dismissing Defendant with prejudice.

5 DATED: January 30, 2006

Respectfully Submitted,

6 BUCHALTER NEMER
7 A Professional Corporation

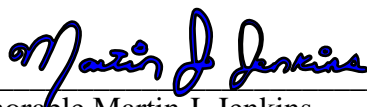
8
9 By: /s/ Brandon Q. Tran
10 Brandon Q. Tran
Attorneys for Plaintiff DIRECTV, Inc.

11 **ORDER**

12 Having read the foregoing Request for Voluntary Dismissal of Defendant
13 Eric Agnew filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed
14 appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as
15 follows:

- 16 1. This action is hereby dismissed with prejudice as against Defendant Eric Agnew;
17 2. Each party shall bear its/his own attorneys' fees and costs incurred in this action to
18 date.

19
20 DATED: 2/7/2006

21 
22 Honorable Martin J. Jenkins
23 United States District Court
24 Northern District of California

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